

### **REMARKS**

Applicant submits this Amendment in response to the Office Action mailed May 3, 2006. By this Amendment, Applicant submits that one claim in excess of twenty total claims and one claim in excess of three independent claims are now currently pending. Accordingly, Applicant submits herewith authorization for the Office to debit the requisite excess claim fee from Deposit Account No. 13-2855. Applicant believes that no further fees are necessary for the proper entry and consideration of this Amendment. Nevertheless, if the Office deems otherwise, Applicant hereby authorizes the Director to charge any cost thereof to Deposit Account No. 13-2855. Alternatively, if the Office finds that the Applicant has overpaid, please credit any overpayment to Deposit Account No. 13-2855.

In light of the foregoing Amendments and the following remarks, Applicant believes that the present application is in condition for allowance and respectfully requests the Examiner to acknowledge the same.

### **ELECTION/RESTRICTION**

Applicant thanks for the Examiner for lifting the restriction requirement mailed January 10, 2006. The Office Action indicates that the Examiner lifted the previously issued restriction requirement in light of Applicant's amendment of "claim 14." Applicant believes that this is a typographical error and that the Examiner meant to state that the restriction requirement was lifted in light of Applicant's amendment to claim 7. Claim 14 remains "original."

Regarding Applicant's prior response to the restriction requirement dated December 8, 2004, Applicant has canceled previously withdrawn claims 15-20.

### **DRAWING OBJECTIONS**

The drawings stand objected to under 37 CFR 1.83(a) for allegedly failing to show every feature of the invention specified in the claims. The Office Action alleges that the "housing disposed between an end of the packing box," as recited in claims 1 and 7, is not shown in the drawings. Without conceding or taking a position as to the merits of this objection, Applicant respectfully submits that these features have been canceled from claims 1 and 7.

Additionally, the Office Action alleges that “a second end (of the housing) for engaging a portion of the seal assembly,” as recited in claim 21, is not shown in the drawings. Applicant respectfully disagrees with the Examiner. Specifically, with reference to FIGS. 2-6 and, particularly, FIG. 3, the specification states that “the upper shoulder 88 [of the sleeve 72] provides a surface 94 to engage the valve seal assembly 44, and push the valve seal assembly 44 out of the packing box 54.” Applicant submits that surface 94, which is expressly identified in FIG. 3, corresponds to “a second end 9 [of the housing] for engaging a portion of the seal assembly,” as recited in claim 21. Accordingly, Applicant respectfully asserts that the drawings show each and every feature specified in claim 21 in accordance with 37 CFR 1.83(a).

Applicant respectfully requests reconsideration and withdrawal of these objections.

#### **REJECTIONS UNDER 35 U.S.C. §112**

##### **35 U.S.C. §112, First Paragraph**

Claims 1-14 and 21-26 stand rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. Specifically, the Office Action alleges that claims 1 and 7 contain subject matter that is not described in such a way to convey to a person having ordinary skill in the art, at the time the application was filed, that the applicant has possession of the claimed invention. The Office Action states that “a portion of the housing is disposed between an end of the valve plug and the packing box,” as recited in claims 1 and 7, is indefinite.

Without conceding or taking a position as to the merits of this rejection, Applicant submits that this language has been canceled from claims 1 and 7, thereby rendering this rejection moot.

##### **35 U.S.C. §112, Second Paragraph**

Claims 1-14 and 21-27 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner alleges that claims 1 and 7 are indefinite because “the applicant appears to be arguing that the housing is disposed at the end of the packing box wherein this is obviously not shown by the drawings.”

Applicant is confused as to what particular language of claims 1 and 7 the Examiner is rejecting. Nevertheless, if the Examiner is referring to the same language as the previously addressed rejection, Applicant again submits, without conceding or taking a position as to the merits of this rejection, that this language has been canceled from claims 1 and 7.

Therefore, Applicant respectfully requests reconsideration and withdrawal of these rejections under 35 U.S.C. §112.

#### **REJECTIONS UNDER 35 U.S.C. §102**

Claims 1, 4, 7, 9-11, 21, 23 and 24 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Chou (U.S. Patent 4,964,432). Applicant respectfully submits that Chou fails to disclose each and every element of the amended claims, and therefore fails to anticipate independent claims 1, 7 and 21.

#### **Claims 1 and 7**

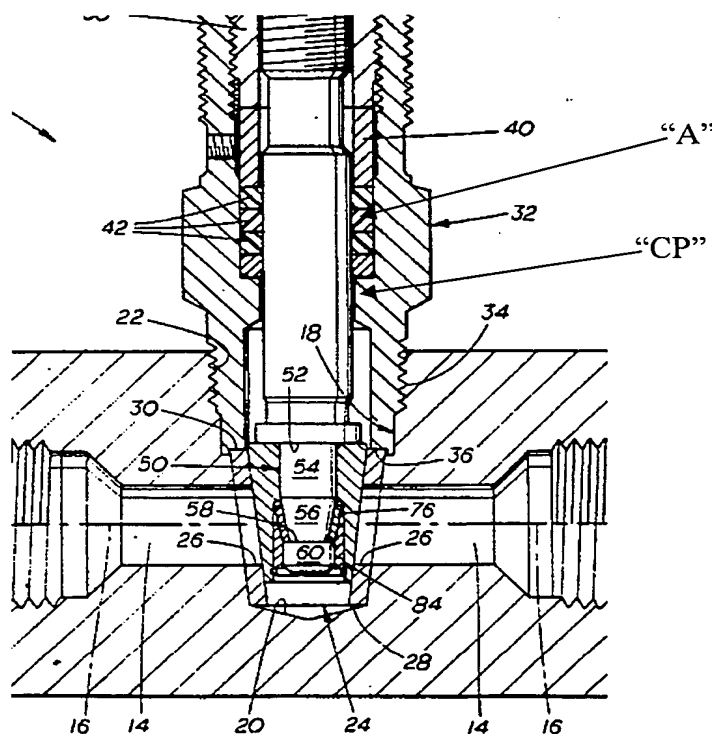
Claim 1, as amended, recites “a substantially cylindrical housing adapted to be removably secured to a portion of the valve stem and adjacent the packing box of the stem valve.” Similarly, claim 7, as amended, recites “a substantially cylindrical housing removably mounted to a portion of the valve stem and adjacent the packing box.” Applicant submits that such features may be supported by the specification with reference to FIG. 1. Specifically, FIG. 1 depicts a valve 20 having a valve stem 34 and a seal assembly 44. The seal assembly 44 is disposed in a packing box 54. The seal assembly 44 includes packing 46, a packing follower 48, a spring 50, and an end cap 52. See paragraph [0019] of the specification. Additionally, FIG. 1 depicts a valve packing removal device 66 removably mounted to the valve stem 34 between a valve plug 30 and the packing follower 48 of the seal assembly 44. See paragraph [0020] of the specification. Thus, as depicted in FIG. 1, the valve packing removal device 66, which includes a housing, as recited in the claims, is mounted directly adjacent (or below, relative to the orientation of FIG. 1) the packing follower 48 of the seal assembly 44, and therefore adjacent the packing box 54.

Accordingly, as stated above, Applicant submits that Chou fails to disclose a valve packing removal device (or housing) mounted to a stem in such a way that it is positioned adjacent the packing box, as recited in claims 1 and 7.

Instead, Chou discloses a valve having a housing 32 that is screwed into a body 12. The housing 32 includes packing rings 42, an area for receiving the packing rings 42, and a

stem 46 having a valve member 62 at an end thereof. Chou does not identify the area for receiving the packing rings 42, but it is separated from the valve member 62 by a collar portion of the housing 32. As illustrated in a reproduced portion of Fig. 1 of Chou that is provided directly below, the area for receiving the packing rings 42 is identified by reference "A" and the collar portion is identified by reference "CP." The collar portion "CP" of the housing 32 prevents any portion of the valve member 62 from being located adjacent the area "A" for receiving the packing rings 42.

Rather, the valve member 62 includes a split connector 76 fit about a frustoconical section 56 of the stem 46, and a retainer sleeve 84 fit about the split connector 76. The retainer sleeve 84 holds two halves of the split connector 76 on the stem 46. The split connector 76 and retainer sleeve 84, cited in the Office Action as corresponding to the sleeve and cylindrical housing of the claims, are both entirely positioned inside the plug member 62, with no portion of the either the connector 76 or the retainer sleeve 84 capable of passing the collar portion "CP" of the housing 32 to be disposed adjacent the area "A" for receiving the packing rings 42, which may be considered a packing box.



Consequently, in contrast to the present application, Chou does not disclose, teach or even suggest a valve packing removal device comprising a housing or sleeve removably mounted to a stem adjacent the packing box. Furthermore, Chou does not even disclose using a housing or sleeve for removing packing from a packing box.

Claim 21

Claim 21, as previously presented, recites “a substantially cylindrical housing having...a first end for engaging a portion of the valve plug, [and] a second end for engaging a portion of the seal assembly.” In light of the discussions provided above regarding the Drawing Objections and Rejections Under 35 U.S.C. §112, Applicant respectfully submits that Chou fails to disclose such elements.

Specifically, Chou discloses a connector 76 or retainer sleeve 84 disposed entirely inside the plug member 62, without any portion of the connector 76 or the retainer sleeve 84 protruding outside the plug member 62 or possibly passing the collar portion “CP” of the housing 32 to engage a portion of the packing rings 32 (seal assembly). As a result, there is no way the connector 76 or the retainer sleeve 84 has a first end for engaging a portion of the valve plug and a second end for engaging a portion of the seal assembly.

Thus, Chou fails to disclose, teach or suggest every limitation of claims 1, 7 and 21, and therefore claims 1, 7 and 21 should be in condition for allowance. Furthermore, claims 4, 9-11, 23 and 24 should be in condition for allowance as being dependent on an allowable base claim.

Applicant respectfully requests reconsideration and withdrawal of these rejections.

**REJECTIONS UNDER 35 U.S.C. §103**

Claims 2, 3, 8 and 22 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Chou in view of McCarty (U.S. Patent No. 6,886,805). Additionally, claims 5-6, 12-14 and 25-26 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Chou in view of Pittman (U.S. Patent No. 5,788,216).

In light of the foregoing amendments and remarks establishing the patentability of independent claims 1, 7 and 21, Applicants submit that claims 2, 3, 5, 6, 8, 12-14, 22, 25 and 26 are in condition for allowance as being dependent on an allowable base claim.

Applicant respectfully requests reconsideration and withdrawal of this rejection.

**NEW CLAIM**

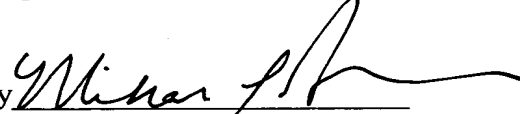
Applicant submits that new independent claim 27 should be in condition for allowance. Particularly, Applicant submits that no reference of record of reference discloses each and every element of new claim 27 and therefore claim 27 is novel. Additionally, Applicant submits that that the references of record fail to establish a prima facie case of obviousness of claim 27 because, as stated above, none of the references of record disclose, teach or even suggest a valve packing removal device comprising a housing or sleeve removably secured to a stem and sized to fit within the packing box, let alone using a housing or sleeve for removing packing from the packing box by fitting within the packing box.

**CONCLUSION**

Applicant believes that each of the outstanding rejections, objections and concerns have been either traversed, accommodated or rendered moot, and therefore, the present application should be in condition for allowance. If there is any outstanding issue that the Examiner believes may be remedied via telephone conference, Applicant hereby invites the Examiner to telephone the undersigned at (312) 474-6300.

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Respectfully submitted,

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